

**Remarks**

**I. Status of the Claims**

By this Amendment, claims 8, 12, 14, 16, 17 and 19 have been canceled. Accordingly, claims 1-7, 9-11, 13, 15, 18 and 20-46 are pending. The specification has been amended to include description of the new drawings required by the Examiner. Support can be found in the specification, at least at page 8, lines 1-6 and lines 19-29, page 9, lines 14-22, page 11, lines 1-12 and in original claims 11, 13, 15, 24 and 25. Claims 25, 26, 27 and 28 have been amended to correct typographical errors and provide sufficient antecedent basis. Accordingly, no new matter has been introduced by this Amendment.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are captioned "Version With Markings To Show Changes Made."

**II. Drawings**

In the Office Action, the Examiner objected to the Drawings for failure to include various aspects of the claimed invention.

The Examiner has objected to the drawings under 37 CFR 1.83(a) as failing to show every feature of the invention specified in the claims. Specifically, the Examiner has required a drawing for each of the embodiments claimed in claims 8, 11-16, 19, 24 and 25. Applicants respectfully submit that the embodiments claimed in claims 8, 11-16, 19, 24 and 25 would be clearly understood by one of ordinary skill in the art upon reading the present specification and the prior art. Nevertheless, in an effort to expedite prosecution, Applicants have either canceled certain claims or submitted new drawings as required by the Examiner. Each of the claims referred to by the Examiner are discussed below in turn.

*Claim 8*

The objection of the drawings with respect to claim 8 is rendered moot since claim 8 has been canceled.

*Claim 11*

Claim 11 relates to a device according to claim 1 further comprises an inner substrate that is substantially covered by the three-dimensional textured film. Although Applicants submit that a drawing is not required for an understanding of this embodiment, solely in an effort to expedite prosecution, Applicants have submitted new FIG. 15 which is a representation of such a device.

*Claim 12*

The objection of the drawings with respect to claim 12 is rendered moot since claim 12 has been canceled.

*Claim 13*

Claim 13 relates to the device of claim 11, further comprising an a second sheet of textured film, wherein the inner substrate is disposed between the second sheet of textured film and the piece of three-dimensional textured film. Although Applicants submit that a drawing is not required for an understanding of this embodiment, solely in an effort to expedite prosecution, Applicants have submitted new FIG. 16 which is a representation of such a device.

*Claim 14*

The objection of the drawings with respect to claim 14 is rendered moot since claim 14 has been canceled.

*Claim 15*

Claim 15 relates to the device of claim 11, wherein the inner substrate is a non-sheetlike, three dimensional body. Although Applicants submit that a drawing is not required for an understanding of this embodiment, solely in an effort to expedite prosecution, Applicants have submitted new FIG. 17 which is a representation of such a device.

*Claim 16*

The objection of the drawings with respect to claim 16 is rendered moot since claim 16 has been canceled.

*Claim 17*

The objection of the drawings with respect to claim 17 is rendered moot since claim 17 has been canceled.

*Claim 19*

The objection of the drawings with respect to claim 19 is rendered moot since claim 19 has been canceled.

*Claim 24*

Claim 24 relates to a device comprising at least one piece of three-dimensional textured film, wherein the device is in the form of a mitt, a cloth having at least about 1.3 textured variations/cm<sup>2</sup>, a glove, a plurality of textured film appendages attached to a holding means or a textured film pad attached to a holding means. Although Applicants submit that a drawing is not required for an understanding of this embodiment, solely in an effort to expedite prosecution, Applicants have submitted new FIG. 20 which is a representation of a device in the form of a mitt, new FIG 19 which is a representation of a device in the form of a cloth, and new FIG 18 which is a representation of a device in the form of a glove. Original FIG 10 is a representation of a device comprising a plurality of textured film appendages attached to a holding means. Original FIG 12 is a representation of a device comprising a textured film pad attached to a holding means.

*Claim 25*

Claim 25 relates to the device of claim 24 in the form of the mitt, the cloth, or the glove, having a first side and a second side, wherein at least one of the sides is comprised of a three-dimensional textured film. As discussed above, Applicants have submitted new FIG. 20 which is a representation of a device in the form of a mitt, new FIG 19 which is a representation of a device in the form of a cloth, and new FIG 18 which is a representation of a device in the form of a glove.

**III. The Information Disclosure Statement**

The Examiner argues that the Information Disclosure Statement filed July 22, 2002 is not proper since a USSN serial number was provided in the column under US Patent Documents. The Examiner further argues that since "this application is not a patent document and is not prior art it should not be presented on an IDS" and that "the application

should be brought to the Examiner's attention by including it in the instant specification or in another separate paper." Applicants respectfully traverse and ask that the Examiner kindly consider copending U.S. Patent Application Serial No. 09/879,931, filed June 13, 2001, and which is a continuation in part of the instant application.

Applicants respectfully submit that pending application are properly cited in an Information Disclosure Statement. See 37 CFR 1.98. Although Applicants maintain that the claims of the instant application and the claims of copending application serial No. 09/879,931 are patentably distinct from each other, Applicants cite the copending application so that the Examiner can consider it for possible judicially created double patent issues. Accordingly, Applicants ask the Examiner to consider copending U.S. Patent Application Serial No. 09/879,931.

#### IV. The Rejection Under 35 U.S.C. §103 (a) Over Figures 4-6

Claims 1 – 46 stand rejected under 35 U.S.C. §103 (a) as allegedly unpatentable over the prior art shown in Figures 4-6. Applicants respectfully traverse this rejection for the following reasons.

The present claims are directed to a device comprising: (a) at least one gathered piece of three-dimensional textured film having textured variations; and (b) a securing means for substantially permanently holding the at least one gathered piece of textured film together. See claim 1. Claim 24 relates to a device comprising: at least one piece of three-dimensional textured film, wherein the device is in the form of a spherical poof, a mitt, a cloth having at least about 1.3 textured variations/cm<sup>2</sup>, a glove, a plurality of textured film appendages attached to a holding means or a textured film pad attached to a holding means. As discussed in the Specification, the devices of the claimed invention are not only gentle to the skin but also capable of creating superior lather when used with a typical liquid cleanser. Spec., page 2, lines 6-7.

By contrast, both FIG. 5 and FIG. 6 illustrate that the prior art is a diamond **mesh** having essentially a **two-dimensional** cross sectional shape. FIG. 5 illustrates that the diamond mesh netting used in prior art polymeric puffs is comprised of individual filaments having a round or kidney-shaped cross-sectional shape. Moreover, as shown in FIG. 6, the

areas of the diamond mesh netting where the filament strands are joined have a dumbbell-like cross-sectional shape.

The Examiner argues that "the disclosed films are clearly, and indeed must be, three dimensional, i.e., the film of material used must have a width, a length, and a height." First, Applicants notes that the prior art diamond mesh shown in Figures 4-6 are not films. As defined by the American Heritage College Dictionary, "mesh" is an openwork fabric or structure" (copy of definition attached). In contrast to the devices shown in Figures 4-6, the devices of the present claims comprise a three-dimensional textured film. As defined by the American Heritage College Dictionary, "film" is a thin skin or membrane (copy of definition attached). Clearly, the mesh of the prior art is not a film as required by the present claims. Further, Applicants claimed devices comprise a a three-dimensional textured film having textured variations. Although the diamond mesh shown in Figures 4-6 have a width, a length and a height, it does not make them a three-dimensional film having textured variations.

**V. The Rejection Under 35 U.S.C. §103 (a) Over U.S. Patent No. 4,525,411**

Claims 1-46 were also rejected under 35 U.S.C. §103 (a) as allegedly unpatentable over U.S. Patent No. 4,525,411 ("Schmidt").

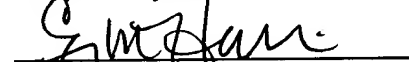
Schmidt relates to a cleaning cloth made from microfibers having a nonporous fiber core and a foamed coating layer surrounding the core. . As defined by the American Heritage College Dictionary, "fiber" is "a threadlike object or structure" or "a natural or synthetic filament capable of being spun into yarn" (copy of definition attached). Clearly, the Schmidt cleansing cloths are not made from films, much less, the three-dimensional textured films having textured variations used in Applicant's claimed devices. Accordingly, the microfiber cleansing cloths disclosed by Schmidt fail to render obvious Applicant's claimed devices comprising a three-dimensional textured film having textured variations. Applicants therefore respectfully request withdrawal of this rejection.

**VI. Conclusion**

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. An early and favorable response to this Amendment is earnestly solicited. If the Examiner feels that a discussion with Applicants' representative would be helpful in resolving the outstanding issues, the Examiner is invited to contact Applicants' representative at the number provided below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP-480/EMH. If a fee is required for an Extension of time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In The Specification:**

At page 8, line 1 rewrite the following paragraph:

In an alternative embodiment, the body 12 of the device 10 may be formed by a plurality of stacked textured film sheets 24 folded upon themselves in order to form a multiplicity of ruffles 26 as shown in FIGS. 2A to 2C. Loop ends 26A of the ruffles 26, which are generally disposed at the exterior of the body 12, are capable of contacting preferably the skin of a user's body, or any desired object or surface, e.g. surfaces found in the home, boat, or automobile. Interior portions 26B extend between the loop ends 26A.

At page 8, line 19 rewrite the following paragraph:

In an alternative embodiment, the body 12 of the device 10 may be formed by a plurality of stacked textured film sheets 24 and 24A as shown in FIG 16, and more preferably by at least a pair of inner and outer sheets folded upon themselves to a multiplicity of ruffles 26 (not shown). Although at least one of the sheets must be comprised of the textured film, it is preferable to have the inner sheet being comprised of a material capable of giving the body rigidity disposed at the interior of the body 12 and the outer sheet being preferably comprised of a suitable textured film exposed at the exterior of the body 12 and substantially covering the inner sheet 24A. By "substantially covering," it is meant that enough of the inner sheet 24A is covered with the outer sheet so as to produce the desired end effects, e.g. sufficient foam, exfoliation, and/or softness. One method for "substantially covering" the inner sheet 24A is via wrapping the outer sheet 24 around the inner sheet, e.g., in a C-fold arrangement[.] as shown in FIG 15.

At page 9, line 14, rewrite the following paragraph:

In an alternative embodiment, the inner substrate may be of a non-sheet form, such as a three-dimensional body 24B comprised of solids, semi-solids, foams, shredded film or fibers, and combinations thereof as shown in FIG 17. Any polymer that may be formed into a three-dimensional form would be especially suitable for use in this invention, such as those set forth above for use in the textured film. The inner substrate is preferably substantially covered by the outer textured sheet. By "substantially covered," it is meant that

enough of the inner substrate is covered with the textured sheet so as to produce the desired end effects, e.g. sufficient foam, exfoliation, and/or softness. The outer textured film may be secured to the inner substrate via any of the securing methods set forth below.

At page 11, line 1 rewrite the following paragraph:

In alternative embodiments of the present invention, the textured film may be formed into other devices such as a mitt such as that illustrated in FIG 20; a glove such as that illustrated in FIG 18; a [wash]cloth such as that illustrated in FIG 19; strips/appendendages of textured film attached to a holding means, such as that illustrated in FIG. 10; and a device wherein the combination of at least one layer of textured film disposed on top of a secondary substrate is attached to a holding means such as that illustrated in FIG. 11. Examples of suitable secondary substrates include the textured films as well as any of the aforementioned substrates capable of giving the device 10 rigidity. Examples of holding means include all of those aforementioned. The textured film layer may be on top of the holding means, such as that illustrated in FIG. 11 or may extend from the holding means, for example, as a pad, such as that illustrated in FIG. 12, or any combination thereof (not shown). Any of the above-mentioned securing means may be used to secure the layer(s) of textured film, the secondary substrate, and the holding means together.

**In The Claims:**

Please amend claims 25, 26, 27, and 28 as follows:

25. (Twice Amended). The device of claim 24 in the form of the mitt, the cloth, or the glove, having a first side and a second side, wherein at least one of the sides is comprised of a three-dimensional textured film.

26. (Amended) The claim [24] 25 wherein at least the first side has protuberances facing outward.

27. (Twice Amended) The device of claim [24] 25 wherein the open area of the three-dimensional textured film on the first side is different from the open area of the textured film on the second side.

28. The device of claim [24] 25 wherein at least one side is quilted.

Please cancel claims 8, 12, 14, 16, 17 and 19.